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6 ZELLA MAYE FREEMAN

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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

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11 ZELLA MAYE FREEMAN,
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13 Plaintiff,

14 vs.

15 CITY OF FRESNO, R. GARRISON
16 (F.P.D. Badge No. 780), MARK
17 A. YEE (F.P.D. Badge No. 692),
18 J. CAPRIOLA (F.S.O. Badge No.
19 7622), I. BARRIMOND (F.S.O.
 Badge No. 1153), J. HOLLINS
 (F.S.O. Badge No. 2346), R.
 PEREZ (F.S.O. Badge No. 6169),
 A. SIMONSON (F.S.O. Badge No.
 9364), Inclusive,

20 Defendants.

Case No.: 05-CV-00328 OWW SMS

EX PARTE REQUEST FOR ORDER
 SHORTENING TIME RE: EX PARTE
 REQUEST FOR MODIFICATION OF
 SCHEDULING ORDER [Rule 6-144]

Date:

Time:

Dept: Courtroom of the
Honorable Oliver W. Wanger

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22 Pursuant to Rule 6-144, Plaintiff, ZELLA MAYE FREEMAN, by
23 and through her attorneys, hereby applies to this Court for an
24 Order Shortening Time to set a hearing date and briefing schedule
25 with respect to Plaintiff's underlying **EX PARTE REQUEST FOR**
26 **MODIFICATION OF SCHEDULING ORDER**, filed concurrently herewith.

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DECLARATION OF WESLEY E. STUPAR

STATE OF CALIFORNIA)

COUNTY OF FRESNO) SS.

I, WESLEY E. STUPAR, declare that:

1. I am an attorney licensed to practice law in the State of California and in the United States District Courts, and that I am an associate member of the law firm of NUTTALL & COLEMAN, wherein our firm represents Plaintiff, ZELLA MAYE FREEMAN, with respect to the instant matter;

2. The underlying request for hearing seeks a Modification of the current Scheduling Order. On September 12, 2005, the Court set the following dates:

Designation of Experts:	March 31, 2006
Discovery:	May 31, 2006
Non-Dispositive Pre-Trial Motions:	June 15, 2006
Dispositive Pre-Trial Motions:	June 30, 2006

Recently, the Court's Scheduling Order was modified to extend time as follows.

Discovery (re: Depositions):	June 15, 2006
Dispositive Pre-Trial Motions:	July 30, 2006

Counsel stipulated to these continuances. (Enclosed please find copy of Stipulation and Order to MODIFY SCHEDULING ORDER TO EXTEND DISCOVERY DEADLINE AND DISPOSITIVE MOTION DEADLINE attached hereto as **Exhibit "A"**.) At that time, Counsel also discussed the substance of Plaintiff's current underlying Ex-Parte request, to extend the time for Designation of Experts; however, the Defense would not agree to include Plaintiff's requested extension within their own requested extensions;

3. A hearing on Plaintiff's underlying Ex-Parte request is needed immediately, prior to the filing of any other motions,

1 because further deadlines for Discovery and for the filing of
2 Non-Dispositive and Dispositive Motions are currently
3 approaching;

4 4. As stated in Plaintiff's EX PARTE REQUEST FOR
5 MODIFICATION OF SCHEDULING ORDER, filed concurrently herewith, it
6 is believed that good cause exists for the requested modification
7 of the scheduling order;

8 5. Counsel have met and conferred on this issue, without
9 success. Defense Counsel has indicated that the Defense requests
10 the opportunity to file a written Opposition to this ex-parte
11 request and to personally appear at the hearing;

12 6. The factual statements contained in these papers are
13 true and correct in accord with counsel's knowledge and belief,
14 and upon those matters stated upon information and belief,
15 counsel believes them to be true.

16 I declare, under penalty of perjury under the laws of the
17 State of California, that the foregoing is true and correct and
18 that this Declaration was executed on June 7, 2006, at Fresno,
19 California.

20 /S/ WESLEY E. STUPAR

21 WESLEY E. STUPAR, Declarant

22 * * * * *

23 **ORDER**

24 Good cause having been shown in Plaintiff's Counsel's
25 attached Affidavit, Plaintiff's Ex-Parte Request for Order
26 Shortening Time for the hearing of Plaintiff's Modification of
27 Scheduling Oder is hereby granted. Said hearing shall be
28 scheduled for June __14__, 2006, at 8:45_a.m., in the above

1 referenced department.

2 Any responsive memoranda shall be filed by the Defense on or
3 before June _13__, 2006, 12:00 p.m.

4 IT IS SO ORDERED.

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6 June _7__, 2006 /s/ OLIVER W. WANGER_____

7 Oliver W. Wanger

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